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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,941	02/25/2002	Thomas H. Johnson	271/283	5003

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BINGHAM, MCCUTCHEN LLP
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SAN FRANCISCO, CA 94111-4067

EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,941

Applicant(s)

JOHNSON, THOMAS H.

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending in this application.

2. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

3. Examiner's Opinion:

Para 2 above applies. The plurality of the intended operations described in the prior art is focused on the channel hub network (**Notarius**, p 0042).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Notarius et al (U.S. Pub 2002/0123957, referred to as **Notarius**).

Claims 1, 11

Notarius anticipates displaying a first portlet to a first user through a first web browser associated with the first user (**Notarius**, ps 0782, 0282, 0173); receiving information identifying the appearance and operation of a survey from the first user, the information identifying the appearance and operation of the survey being transmitted through the first portlet (**Notarius**, ps 0782, 0282, 0173, 0296); storing the information identifying the appearance and operation of the survey in a database operatively connected to a portal database server (**Notarius**, Fig. 12); displaying a second portlet to a second user through a second web browser associated with the second user (**Notarius**, ps 0782, 0282, 0173; Examiner's Note (EN): there isn't any unreasonable limit to the number of portlets or other assets); and displaying the survey to the second user through the second portlet (**Notarius**, ps 0782, 0282, 0173, 0296).

Claims 2, 12

Notarius anticipates the portlet comprises means for reviewing and

confirming the information identifying the appearance and operation of the survey
(**Notarius**, ps 0782, 0282, 0173, 0296).

Claims 3, 13

Notarius anticipates receiving one or more answers to the survey from the second user (**Notarius**, p 0290).

Claims 4, 14

Notarius anticipates the operation of the survey may be configured such that different questions are displayed to the second user based upon one or more answers received from the second user (**Notarius**, p 0290).

Claims 5, 15

Notarius anticipates wherein the operation of the survey may be configured to display one or more suggested answers to at least one question within the survey (**Notarius**, p 0298).

Claims 6, 16

Notarius anticipates generating a report based the one or more received answers, the report being a graphical indicator of what answers were received, and the report being displayable through either the first portlet or the second portlet or both (**Notarius**, ps 0782, 0282, 0173, 0296).

Claims 7, 17

Notarius anticipates the information identifying the appearance and operation of the survey includes information related to at least three members

selected from the group consisting of: (a) survey name; (b) identification of the recipients; (c) allowing multiple replies to the survey; (d) the placement of the survey on a second portlet; (e) a set of end of survey options (f) welcome messages to the recipient; and (g) closing comments to the recipient (**Notarius**, ps 0296, 0118, EN: when reviewing other reviews of the same product, items (a)-(g) would naturally follow).

Claims 8, 18

Notarius anticipates displaying a first portlet to a first user through a first web browser associated with the first user (**Notarius**, ps 0782, 0282, 0173); receiving information identifying the appearance and operation of a FAQ from the first user (**Notarius**, p 0657); and storing the information identifying the set of characteristics about the FAQ in a database operatively connected to a portal web server (**Notarius**, p 0651, Fig. 2).

Claims 9, 19

Notarius anticipates displaying to the user in the first portlet the information identifying the appearance and operation of the FAQ (**Notarius**, p 0657); and receiving from the user data confirming the information identifying the appearance and operation of the FAQ (**Notarius**, p 0657).

Claims 10, 20

Notarius anticipates displaying a second portlet to a second user through a second web browser associated with the second user (**Notarius**, ps 0782, 0282, 0173); and displaying the FAQ to the second user through the second portlet(**Notarius**, p 0657; EN: Notarius has a plurality of displays and computer functionalities).

Conclusion

6. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

- Burgess, U.S. Pub 2003/0135393
- Sorensen et al, U.S. Pub 2002/0178031
- Zhang, U.S. Pub 2002/0103777
- MacLeod Beck et al, U.S. Pub 2001/0025309
- Uchiyama, U.S. Pub 2002/0065802
- Scheirer, U.S. Pub 2001/0056398

7. Claims 1-20 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (703) 308-3179.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

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Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of
"Proposed" or "Draft" for the desk of the Examiner).

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

2121 Crystal Drive,

Arlington, Virginia.

A handwritten signature in black ink, appearing to read "J. Hirl", is written over the text "Arlington, Virginia.".

Joseph P. Hirl

May 6, 2004